

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK

KEVIN DEEGAN,

Plaintiff,

-v-

CIVIL JUDGMENT
5:00-CV-1531

CITY OF ITHACA, MARIETTE GELDENHUYS,
in her official capacity as City Attorney for the
City of Ithaca, and RICHARD BASILE, in his
official Capacity as Chief of Police of the City of
Ithaca,

Defendants.

DECISION BY COURT. This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED

that judgment is entered in favor of plaintiff; defendants named herein, and their agents, are permanently enjoined from enforcing and/or applying City of Ithaca Municipal Code §240-4 and §157-18 so as to preclude legally protected speech that can be heard at a distance of twenty-five feet on public streets, sidewalks or ways, in the City of Ithaca; that § 240-4 and § 157-18 of the City of Ithaca Municipal Code, as construed, applied and enforced by defendant violated plaintiffs' first amendment rights and failed to provide him fair notice of the conduct they proscribed; plaintiff is awarded \$1 in nominal damages; this Court retains jurisdiction of this action solely for the purpose of enforcing the judgment, should the need arise; and plaintiff's attorney is awarded \$110,000.00 in attorney fees.

December 14, 2006
Date

LAWRENCE K. BAERMAN
Clerk

Judi L. Roberts _____

Judi L. Roberts
Deputy Clerk